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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09/462,613	01/10/2000	IVAN MAURICE ALFONS JAN HERBOTS	CM1550	5310

27752 7590 10/11/2002

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EXAMINER	
ELHILO, EISA B	
ART UNIT	PAPER NUMBER
1751	14

DATE MAILED: 10/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/462,613	HERBOTS ET AL.	
	Examiner	Art Unit	
	Eisa B Elhilo	1751	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 September 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires *5* months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☒ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☒ Applicant's reply has overcome the following rejection(s): *The rejection of claim 58 under 35 U.S.C. 112, 2nd paragraph.*

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet.*

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *None*.

   Claim(s) objected to: *None*.

   Claim(s) rejected: *1 and 27-62*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: Applicant has not presented any additional data or showing to overcome the rejection of record. With respect to the rejection based upon oxenboll (US' 280) in view of Van Pee (WO' 909), Applicant argues that Oxenboll's disclosure of an oxidoreductase enzyme is explicitly intended for incorporation into bread-improving compositions for baking application only and therefore, there exists neither an expectation of success nor a motivation for a person of ordinary skill in the art to incorporate a bread-improving additive into a bleaching composition. The applicant also argues that Oxenboll in view of Van Pee fails to teach or suggest an oxidoreductase-containing cleaning composition comprising a pH of from 7.5 to 12.7.

The examiner respectfully disagrees with the above arguments because Oxenboll as a primary reference teaches glucose oxidase enzyme as usefull for various purposes e.g., for bleaching purposes and in the baking industry (see col. 1, lines 45-51). Oxenboll also teaches the equavalence of oxidoreductase (peroxidase) and glucose oxidase as additional enzymes that used in hard wheat flour (see col. 26, lines 5-8). Oxenboll further, teaches a detergent composition comprising glucose oxidase enzyme as a hydrogen peroxide source (see col. 26, lines 57-60). Therefore, a person of ordinary skill in the art would be motivated to modify the primary reference by substituting glucose oxidase with oxidoreductase enzyme in the bleaching composition since such enzyme is equavalent to glucose oxidase and hence the combination of the references is proper. Also, the combination is proper since both references teach and disclose detergent compositions comprising enzymes. Further, Oxenboll teaches a detergent composition having a pH in the range of 7-11 which within the claimed range (see col. 28, line 43) and Van Pee teaches a detergent composition having a pH in the range 3.5 to 6.8 at a given temperature

from 15 to 80^{0}C (see abstract and page 9, line 16). Therefore, Van Pee discloses a pH values that related to and depend on specific range of temperature and might be changed due to the changes in the temperature and, thus, a person of ordinary skill in the art would be motivated to adjust the pH of the composition based on the temperature of the detergent composition in order to increase the reactivity of the enzyme to get the maximum results.

With respect to the rejection based upon Van Pee (WO' 909) in view of Figueroa (US' 153). Applicant argues that the pH of the claimed composition is unequivocal evidence that the enzymes disclosed in the claimed invention are different from those disclosed by Van Pee and thus exhibit their optimal activity in a higher pH environment.

The examiner respectfully disagrees with the above arguments for the same reasons mentioned above. The examiner further, advises the applicant to provide a data to show that the enzymes disclosed in the claimed invention are different from those disclosed by the references.

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